

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ELVANO GALLI

Plaintiff,

v.

F/V BARBARA ANN (O.N. 699442)

her engines, boilers, tackle,
fishing permits and appurtenances,
in rem

and LOUIS PASQUALE, *in personam*,
Defendant.

RECEIPT # 57189AMOUNT \$ 150SUMMONS ISSUED Y-1

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK. MDATE 7-12-04

C.A. No.

04 cv 11544 JLT

MAGISTRATE JUDGE Copen

VERIFIED COMPLAINT

Plaintiffs, Elavno Galli, by way of Complaint against the Defendants, says:

Jurisdiction and Venue

1. Plaintiff brings this suit against the Defendant vessel under the provisions of 28 U.S.C. s.1333, as this is an admiralty claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and Supplemental Rule C, Federal Rules of Civil Procedure.
2. Venue lies within this District under the provisions of 28 U.S.C. s.1391.

Statement of the Claim

3. Plaintiff, Elvano Galli, is an individual that resides at 2442 Brigham Street, Brooklyn, New York.
4. At all times hereinafter noted, the Defendant F/V BARBARA ANN was a commercial fishing vessel U.S. registry, Official Number 699442, which is upon information and belief now fishing within this district.
5. At all times hereinafter noted, the Defendant Louis Pasquale is an individual that resides in Gloucester, Massachusetts.
6. In April of 2003, the Plaintiff, relying on security of the vessel and her owners, loaned money to the defendants for necessities to the F/V BARBARA ANN for which he claims a lien in the amount \$85,000.00.
7. Despite repeated demand, the defendant has failed to pay and further failed to remove the vessel from the Plaintiff's facility.

Prayers for Relief

WHERFORE, Plaintiffs prays:

1. That process in due form of law, according to the rules and laws of this Court in causes of admiralty and maritime jurisdiction be issued against F/V BARBARA ANN (ON 699442), her engines, boilers, tackle, appurtenances, furniture and gear, etc., including but not limited to federal and state fishing permits and history, and that all persons claiming any right, title, or interest then be cited to appear and answer under oath the all and singular matters aforesaid;
2. That a warrant for the arrest of the vessel F/V BARBARA ANN (ON 699442), and her fishing permits and history including her Northeast Fishery Permit No.: 233341 be issued forthwith pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims;
3. That process in due form of law according to the practice of this Court may issue against the Defendant F/V BARBARA ANN (ON 699442), and her fishing permits and history and that they may be condemned and sold to satisfy the claims of Plaintiff herein; and
4. That a decree may be entered in favor of Plaintiff and against Defendants for the amount of Plaintiff's damages, together with interest, costs and, if allowed, attorneys' fees.

VERIFICATION

I, Elvano Galli., being duly sworn depose and say:

I have read the foregoing complaint and know the contents of paragraphs 1 through 7 and the same is true of my own knowledge except as the matters stated upon information and belief and as to those matters I believe them to be true.

Elvano Galli

State: N.Y. }
County: Kings }

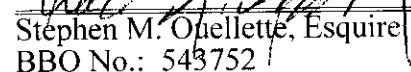
On this 6th day of May, 2004, before me, the undersigned notary public, personally appeared Elvano Galli, proved to me through satisfactory evidence of identification
Customer at Brooklyn Federal Savings Bank, to be the person whose name is signed on this document and stated that the foregoing instrument to be his true act and deed, before me,

Notary Public

My Commission Expires Notary Public, State of New York
No. 01SI5077807
Qualified in Kings County
Commission Expires May 12, 2007

Dated: 7/12/04

By his attorney


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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Elvano Galli v. Louis Pasquale, et.al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

None

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME David S. SkrothADDRESS 163 Cabot St. Beverly, MA 01915TELEPHONE NO. 978-922-9933